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VIA ELECTRONIC FILING

Ms. Zita Lovett, Clerk to Judge Tauro  
United States District Court  
For the District of Massachusetts  
John Joseph Moakely U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

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Boston MA 02110

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Re: ITV Direct, Inc. v. Healthy Solutions LLC, et al. and Cappseals, Inc.  
v. Healthy Solutions LLC d/b/a Direct Business Concepts, et al.,  
Civil Action No. 04-CV-10421-JLT

Dear Clerk Lovett:

As we discussed, to reduce any confusion caused by the relief requested in the Motion for Sanctions filed by Cappseals, Inc. against ITV Direct, Inc., please find the attached Proposed Order associated with the Motion.

Very truly yours,



Scott A. Silverman

SAS:vay  
Enclosure

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,	)
	)
Plaintiff,	)
	)
v.	)
	)
HEALTHY SOLUTIONS, L.L.C., et al.,	)
	)
Defendants.	)
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CAPPSEALS, INC.,	)
	)
Plaintiff-in-Intervention,	)
	)
v.	)
	)
HEALTHY SOLUTIONS, L.L.C., d/b/a	)
DIRECT BUSINESS CONCEPTS; ITV	)
DIRECT, INC.; and DIRECT	)
FULFILLMENT, LLC,	)
	)
Intervenor-Defendants.	)
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Civil Action No. 04-CV-10421-JLT

**ORDER**

This matter, having come on for consideration by the Court on the Motion of Cappseals, Inc. for Sanctions against ITV Direct, Inc., the Court having reviewed Cappseals' Motion and Memorandum in Support and being otherwise sufficiently advised, IT IS HEREBY ORDERED AND ADJUDGED that pursuant to Rule 37(b)(2) ITV Direct, Inc. shall be sanctioned in the following manner:

1. ITV Direct, Inc.'s affirmative defenses against Healthy Solutions L.L.C. or Cappseals, Inc. are hereby stricken;
2. ITV Direct, Inc.'s affirmative claims that have been or may be asserted against Healthy Solutions L.L.C. or Cappseals, Inc. are hereby stricken;

3. ITV Direct, Inc. is hereby prohibited from offering affirmative evidence on the amounts of their claims and defenses; and
4. ITV Direct, Inc. must pay to Cappseals, Inc. their reasonable costs and attorneys' fees incurred pursuing discovery from ITV Direct, Inc. including those charges incurred preparing and arguing its original Motion to Compel and their motion for Sanctions.

ITV Direct, Inc. is also Ordered to immediately:

1. Preserve all relevant electronic media;
2. Copy and produce to Cappseals, Inc. one copy of all relevant electronic media;  
and
3. Copy and produce to Cappseals, Inc. one copy of all relevant documents.

DATED: \_\_\_\_\_

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JUDGE, UNITED STATES DISTRICT COURT